REMARKS

Claims 1-8, 10-25, and 27-34 are currently pending in the application. This amendment is submitted with a Request for Continued Examination.

Claims 1-3, 10, 17-20, 27, and 34 are currently amended. No new matter is added. Support for the amendments can be found in the specification at least at page 12, line 21 to page 13, line 9; page 14, lines 13-22; and page 16, lines 12-19. Reconsideration of the action mailed January 25, 2008, is respectfully requested in view of the foregoing amendments and the following remarks.

The examiner rejected claims 1-8, 10-25, and 27-34 under 35 U.S.C. § 112, second paragraph, as indefinite.

The examiner rejected claims 1-5, 8-11, 15-22, 25-28, and 32-34 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,381,349 ("Winter") in view of U.S. Patent No. 7,076,119 to ("Takemoto"). The examiner rejected claims 6 and 23 under 35 U.S.C. § 103(a) as unpatentable over Winter and Takemoto in view of U.S. Patent Application Publication No. 2004/0267854 ("Haider"). The examiner rejected claims 7 and 24 under 35 U.S.C. § 103(a) as unpatentable over Winter, Takemoto and Haider in view of U.S. Patent No. 6,157,735 ("Holub"). The examiner rejected claims 12 and 29 under 35 U.S.C. § 103(a) as unpatentable over Winter and Takemoto in view of U.S. Patent Application Publication No. 2005/0088534 ("Shen"). The examiner rejected claims 13 and 30 under 35 U.S.C. § 103(a) as unpatentable over Winter, and Takemoto in view of U.S. Patent No. 6,076,964 ("Wu"). The examiner rejected claims 14 and 31 under 35 U.S.C. § 103(a) as unpatentable over Winter and Takemoto in view of U.S. Patent No. 5,398,076 ("Lum").

Interview Summary

The applicant thanks the examiner for the courtesy of an in-person interview conducted on April 8, 2008. Examiner Lo participated, along with the applicant's representatives, Brian J. Gustafson and Arriènne Lezak. During the interview the applicant's representatives described the invention and discussed claim 1 with respect to the cited prior art. The examiner provided

suggestions for overcoming the section 112, second paragraph rejection. Additionally, the examiner provided suggestions that would aid in overcoming the prior art rejections. No agreement was reached.

Section 112 Rejections

Claims 1-8, 10-25, and 27-34 were rejected as indefinite. In particular, the examiner objected to the phrase "plurality of differences" as unclear in independent claims 1, 17, and 32. During the interview, the examiner suggested replacing this phrase with "local differences". The applicant has amended claims 1, 17, and 32 to provide the suggested change. The applicant respectfully requests that the section 112, second paragraph, rejection be withdrawn.

Section 103 Rejections

Claim 1 was rejected over Winter and Takemoto. Claim 1, as amended, recites receiving a first power law function and generating an auxiliary function including modifying the transfer function using local differences between the transfer function and the first power law function. A second power law function is defined by fitting a power law function to the auxiliary function. A modelling error between the second power law function and the transfer function is calculated as an error value obtained from local differences between the second power law function and the transfer function. The second power law function is provided as the first power law function for the next iteration when the modelling error is greater than or equal to a predetermined value. A termination flag is set when the modelling error is less than the predetermined value.

Winter and Takemoto fail to disclose or suggest the features of claim 1. In particular, Winter discloses a curve fit process for fitting a transfer function to one or more discrete points in order to determine a general gamma value. *See* col. 4, lines 17-33. In particular, a user identifies particular perceived output color intensities using calibration color patches. *See* col. 4, lines 8-19. Once the user has identified particular perceived output intensities, the corresponding binary value is used to derive a transfer function that fits those points. *See* col. 4, lines 20-33. More than one transfer curve can be generated and compared with a gamma threshold to generate a new transfer function curve used to calculate the gamma. *See* col. 4, line 53 to col. 5, line 14.

Winter, however, does not disclose or suggest generating an auxiliary function including modifying the transfer function using local differences between the transfer function and the first power law function, defining a second power law function by fitting a power law function to the auxiliary function, and calculating a modelling error between the second power law function and the transfer function.

Takemoto discloses image processing techniques for image data from a digital camera. *See* col. 1, lines 6-11. In particular, Takemoto discloses correcting a curve consisting of separate regions A, B and C (*See* FIG. 3A), by fitting each of those regions with one of three corresponding quadratic functions a, b and c (*See* FIG. 3B), and then using those quadratic functions and differences between those quadratic functions and the line y = x to "correct" the original FIG. 3A curve. *See* col. 8, lines 5-22.

However, Takemoto does not disclose or suggest generating an auxiliary function including modifying the transfer function using local differences between the transfer function and the first power law function, defining a second power law function by fitting a power law function to the auxiliary function, and calculating a modelling error between the second power law function and the transfer function.

The applicant respectfully submits that claim 1, as well as claims 2-8 and 10-16, which depend from claim 1, are in condition for allowance.

Claim 18 recites a computer program product that includes features corresponding to those of claim 1 and rejected for the same reasons. Therefore, claim 18, as well as claims 19-25 and 27-33, which depend from claim 18, are allowable for at least the same reasons as set forth above with respect to claim 1.

Claim 17 was rejected over Winter and Takemoto. Claim 17 recites fitting a transfer function with a first power law function, reflecting the first power law function about the transfer function to generate an auxiliary function, defining a second power law function by fitting a power law function to the auxiliary function, and calculate a modelling error between the second power law function and the transfer function, wherein the modelling error is an error value obtained from local differences between the second power law function and the transfer function.

As set forth above with respect to claim 1, neither Winter nor Takemoto disclose or suggest generating an auxiliary function, defining a second power law function by fitting a

power law function to the auxiliary function, and calculating a modelling error between the second power law function and the transfer function. The applicant respectfully submits that claim 17 is in condition for allowance.

Claim 34 recites a computer program product that includes features corresponding to those of claim 17 and rejected for the same reasons. Therefore, claim 34 is allowable for at least the same reasons as set forth above with respect to claim 17.

Conclusion

The applicant respectfully requests that all pending claims be allowed.

By responding in the forgoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Please apply the $120 one-month extension of time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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